

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

**REGULAR**see instructions on  
(reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)


OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2013-0913-02</b>	REGULATORY ACTION NUMBER <b>2013-1211-02 S</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2013 DEC 11 PM 2:45

OFFICE OF  
ADMINISTRATIVE LAWENDORSED FILED  
IN THE OFFICE OF

2014 JAN 23 PM 3:40

  
 DEBRA BOWEN  
 SECRETARY OF STATE

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections &amp; Rehabilitation

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE/REGISTER NUMBER <b>2013 392</b>	PUBLICATION DATE <b>9/27/2013</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Initial Intake and County Reimbursements		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 15		AMEND <b>3000 and 3075</b>	
		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Diane Hawkins		TELEPHONE NUMBER (916) 445-2314	FAX NUMBER (Optional) (916) 324-6075
E-MAIL ADDRESS (Optional) diane.hawkins@cdcr.ca.gov			

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

MARTIN HOSHINO, Undersecretary, Operations

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ENDORSED APPROVER

JAN 23 2014

Office of Administrative Law

## TEXT OF PROPOSED REGULATIONS

In the following, underline indicates additional text and ~~strikethrough~~ indicates deleted text.

### California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

#### Chapter 1. Rules and Regulations of Adult Operations and Programs

##### Article 1. Behavior

##### 3000. Definitions.

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Intake Control Unit (ICU) means a unit that schedules and coordinates weekly movement of CDCR new commitment inmates from the counties to the CDCR Reception Centers. The ICU is also a liaison between the counties and CDCR in the event that CDCR is unable to accept delivery of its new commitment inmates and payments are due to the counties.

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NOTE: Authority cited: Sections 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Section 8550, 8567, 12838 and 12838.7 Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; In re Bittaker, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; and Madrid v. Cate (U.S.D.C. N.D. Cal. C90-3094 TEH).

##### Article 6.5. Intake, Release and Discharge of Inmates

##### 3075. Initial Intake and County Reimbursements.

(a) CDCR shall assign each county to a reception center (RC) institution for the delivery of new commitment State inmates.

(b) The county shall first contact the designated RC institution, on or before the Friday prior to the week of transfer, to notify and coordinate the upcoming delivery of the inmates(s).

(1) In the event the RC is unable to accept delivery of the inmate(s), the county shall contact the CDCR Intake Control Unit (ICU). The ICU will make every effort to direct the county to an alternate RC.

(A) If ICU is unable to provide an alternate RC for delivery, the county shall follow CDCR's notification process, pursuant to subsection (c), to be eligible for reimbursement.

(B) If ICU notifies a county that space is available at a RC after previously being denied, the county shall deliver the inmate(s) within two working days (Monday through Friday, excluding holidays), from CDCR's notification of bed availability.

(C) If the county is unable to deliver the inmate(s) within two working days, reimbursement will not be authorized for any additional days.

(D) Inmates shall be delivered in the order they were notified to the ICU.

(c) If the ICU has been notified by the county that a new commitment inmate is ready to be transported, and the department is unable to accept delivery by the fifth working day (Monday through Friday, excluding holidays), pursuant to Penal Code (PC) Section 4016.5(a), a county shall be reimbursed for costs incurred resulting from the detention of a new commitment State inmate, or a county referral of an inmate pursuant to PC Section 1203.03.

(1) CDCR shall reimburse a county for each day of an inmate's detention, starting on the day following the fifth working day after ICU is notified of the inmate's denied delivery.

(2) The county shall not be reimbursed if, upon notification of the pending transport, ICU directs the county to deliver the State inmate to an alternate RC and the county refuses or is unable to transport inmates to the alternate RC.

(3) The county shall not be reimbursed for the detention of an inmate(s) for any period of time prior to notification and within the five-day time period after notification.

(4) CDCR shall not reimburse a claim that is in excess of six months from the close of the month in which the costs were incurred.

(d) A county is also entitled to reimbursement for mileage expenses incurred when transporting State inmates to a State institution. A mileage expense will be paid for a total round trip distance.

~~(a)~~(e) Inmates received by the department shall be accompanied by either a copy of the minute order or an abstract of the judgment certified by the clerk of the court or judge. Confidential medical/mental health documents indicating that the inmate is medically capable for transport are required upon delivery. The inmate's identity shall be verified by staff to prevent inadvertent acceptance of a person not legally committed to the department.

~~(b)~~(f) Upon staff's receipt of an inmate's cash, personal securities and property, a CDCR Form 104 (Rev. 6/13), Inmate Property and Cash Receipt—Arrival, shall be completed, which is incorporated by reference, shall be completed.

~~(c)~~(g) Each inmate shall be photographed and an identification card prepared. The identification photo shall be updated every five years or when there is a distinct change in the inmate's physical appearance. An inmate who noticeably changes his/her appearance will be charged for the cost of the updated identification photo/card, if the distinct change occurs anytime within the five-year period.

~~(d)~~(h) Each inmate shall be informed of the departmental grooming standards and shall be afforded an opportunity to comply prior to being photographed. Each inmate will be advised that failure to comply with departmental grooming standards may result in the issuance of an administrative rule violation report, and that a repeated pattern of administrative rule violations, may result in the inmate being deemed a program failure pursuant to Section 3000. The processing officer will document on a CDC Form 128-B (Rev. 4/74), General Chrono, the inmate's refusal to comply with the departmental grooming standards. The CDC Form 128-B will be forwarded to records for the inmate's initial classification committee review.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1202a, 1203.03, 1216, 1217, 2081.5, 2901, 3058.5, 4016.5(a), 4537, 4750, 4751 and 5054, Penal Code; Section 19853, Government Code.